

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE FREDERICK BANKS
“NEXT FRIEND” FILINGS,

Petitioner.

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Judge Cathy Bissoon

Filed in:

U.S. v. Daniel K. Miller,
Criminal Action No. 15-174.

ORDER

Petitioner Frederick Banks has not shown good cause why the Vexatious-Litigant Order should not be expanded to his attempted filings in other litigants’ cases. Petitioner’s response (Doc. 125) to the Show Cause Order dispels the notion that he “is truly dedicated to the best interests of the person[s] on whose behalf he [has sought] to litigate.” *See* SCO (Doc. 121) at 2 (summarizing next-friend standards). Conclusory references to the other litigants aside, the contents of Petitioner’s response demonstrate that the agenda(s) he seeks to advance are his own. *See* Doc. 125 (reiterating Mr. Banks’s longstanding grievances with various actors, including the FBI and Judge Eddy); *cf. also* Doc. 136 (Mr. Banks’s “Supplemental Reply” to SCO, addressing and attaching proposed plea-agreement purportedly offered to Mr. Banks in connection with criminal charges pending against him).

Otherwise, Petitioner has not, and under the circumstances cannot, overcome the plethora of legal deficiencies catalogued in the SCO. *See* Doc. 121 (Mr. Banks has no valid interest in the other litigants’ cases; he is not authorized to provide legal-representation to other individuals; he has failed to demonstrate a significant relationship with them; and he has not proven them

to suffer “inaccessibility, mental incompetence, or [some] other disability” preventing them from advancing their own interests).¹

For all of these reasons, and for the ones stated in the SCO and the decisions incorporated therein by reference, it hereby is **ORDERED** that **the Vexatious-Litigant Order is extended to all filings made by Mr. Banks, in his name or under his known alias(es), whether on his behalf or on behalf of anyone else.**

Consistent with this ruling, Mr. Banks is prohibited from filing materials in a representative capacity (“next friend,” or otherwise), unless and until: (1) he complies with all provisions of the Vexatious-Litigant Order; and (2) he provides written, detailed statements and proofs demonstrating, under prevailing legal standards, the propriety of allowing him to act in a representative capacity on behalf of the person(s) whose interests he purports to advance.

Finally, **Mr. Banks hereby is placed on notice that any submission made by him, on his own behalf or on behalf of any other existing or putative litigant, that is not in compliance with the Vexatious-Litigant Order, as now expanded, will be returned to him, unfiled,** at the return-address provided on the envelope-of-submission.²

¹ Although Petitioner claims to have made filings in Mr. Sheppard’s cases at that Defendant’s behest, *see* Doc. 125 at 3, conspicuously absent from the record is any indication that Mr. Sheppard, (a) is incapacitated, and, (b) he wishes to cede all legal representation to Mr. Banks. *See* SCO (Doc. 121) at 3 & n.1 (highlighting indicia of Mr. Sheppard’s continued desire to litigate his own cases, *pro se*, and clarifying that “Mr. Sheppard cannot, selectively, be ‘competent’ for the purposes of his [own] filings, but ‘incompetent’ for the purposes of Mr. Banks’s”).

² This Order does not purport to govern Mr. Banks’s active criminal matter. *See U.S. v Banks*, Crim. Action No. 15-168 (W.D. Pa.) (Hornak, J., presiding). All issues related to filing, in that case, are reserved to Judge Hornak.

IT IS SO ORDERED.

October 3, 2017

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

Frederick Banks
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NEOCC
2240 Hubbard Road
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cc (via ECF email notification):

All counsel of record